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REMARKS

Currently pending in this application are claims 25-50, 52-60, 62-77 which were submitted with the response filed February 28, 2004. Claims 1-24 were canceled in a prior response and Claims 51, 61 and 78 are canceled in this response.

Claims 32, 38, 49, 59, 66 and 76 have been amended to change the term "diluent" to solvent. The term solvent appears in the specification at paragraph 0124. The claims have also been amended to depend directly from the preceding independent claim

Claims 52, 62 and 70 have been amended to change addition to additive correcting an obvious typographical error.

Claims 34 and 62 have been amended to delete castor oil from the Markush group that defines the thermal stabilizer.

Claim 33 has been amended to depend from claim 25.

The examiner has rejected claims 32, 38, 49, 59, 66 and 76 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically the examiner noted that the specification did not support defining certain compounds recited in the claims as "diluent" when the specification defined them as solvents. The claims have been amended to define the compounds as solvents and to change their dependency to the preceding independent claim.

The examiner next rejected claims 28, 33, 45, 46, 51, 52, 55, 56, 61, 62, 70, 72, 73 and 78 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner rejected claims 28, 45, 55, and 72 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster's, a grain is a seed of fruit from a cereal or grass. Merriam-Webster's Collegiate Dictionary, p. 543 (11th Ed. 2003) (attached). A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry

fruit or seed. Id at 853, 1386. While all of these are plants, they are different varieties and the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 46 and 51 as substantial duplicates. Claim 51 has been canceled rendering the rejection moot.

The examiner rejected claims 52, 62 and 72 noting that the term “addition” should read “additive.” The claims have been amended to change the term “addition” to “additive”.

The examiner rejected claims 56 and 61 as substantial duplicates. Claim 61 has been canceled rendering the rejection moot.

The examiner rejected claims 73 and 78 as substantial duplicates. Claim 78 has been canceled rendering the rejection moot.

The examiner has rejected claims 34, 37-40, 62 and 65-68 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,862,369 to Jordan. The examiner noted that Jordan teaches a fuel composition that contains beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract) and ethoxylated castor oil (thermal stabilizer) as well as cetane improvers. The composition may be diluted with various solvents including gasoline, toluene, diesel fuel and alcohols. Applicants respectfully submit that the claims as amended are not anticipated by Jordan.

As noted above, the Markush group in claims 34 and 62 that define the thermal stabilizer does not include castor oil. None of the other oils recited in the claims are taught or recited in Jordan. Thus Jordan can not anticipate the claims. Claims 37-40 depend from claim 34 and claims 65-68 depend from claim 62. Since Jordan does not anticipate the independent claims it can not anticipate the dependent claims.

CONCLUSIONS

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes there is no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02917US8 (AKA ORYXE.028A) from which the undersigned is authorized to draw.

Dated: June 28, 2004

Respectfully submitted,

By 

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Merriam- Webster's Collegiate® Dictionary

ELEVENTH
EDITION



Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

lɔ| abut |ʌ| kitten, F table lɜ| further |ə| ash |ā| ace |ā| mop, mar
laʊ| out |ch| chin |e| bet |ē| easy |ə| hit |ī| ice |ī| job
lə| sing |ō| go |ō| law |ō| boy |th| thin |ū| the |ū| foot |ū|
|y| yet |zh| vision, beige |k, ŋ, œ, ɛ, ʎ see Guide to Pronunciation

chaku [Jp dial. (Okinawa)] (1970): a weapon that consists of two hardwood sticks joined at their ends by a short length of rawhide, cord, or chain

nun-cla-ture \nən(t)-sē-ə-čhūr, 'nūn(t)-, -chər, -tyūr, -tūr/ n [It *nunciatura*, fr. *nuncio*] (1652) 1: a papal diplomatic mission headed by a nuncio 2: the office or period of office of a nuncio

nun-clo \nən(t)-sē-ə-čhūr, 'nūn(t)-, -chər, -tyūr, -tūr/ n [fr. *L. nuntius* messenger, message] (1528): a papal legate of the highest rank permanently accredited to a civil government

nun-cle \nən-čhāl/ n [by alter. (fr. misdivision of an uncle)] (ca. 1589) chiefly dial. UNCLE

nun-cu-pa-tive \nən-kyū-pā-tiv, 'nəp-, 'nən-kyū-pā- / adj [ML *nuncupatus*, fr. LL, so-called, fr. *L. nuncupatus*, pp. of *nuncupare* to name, prob. ultim. fr. *nomen* name + *capere* to take — more at NAME, HEAVE] (1546): not written: ORAL (a ~ will)

nun-ery \nən-rē, 'nə-nə- / n, pl. -nēr-les (14c): a convent of nuns

nuoc mam \nū-āk-'mām/ n [Vietnamese *nuóc mām*, lit., salted fish sauce] (1919): a sauce made of fish (as anchovies) fermented in brine

Nu-pe \nū-ŋpā/ n, pl. Nu-pe or Nupes (1883): a member of a people of west central Nigeria; also: the language of the Nupe people

nup-tial \nəp-shəl, -chəl, +shə-wəl, +chə-wəl/ adj [L. *nuptialis*, fr. *nuptio*, pl. wedding, fr. *nubere* to marry; perh. akin to Gk *nymphē* bride, nymph] (15c) 1: of or relating to marriage or the marriage ceremony 2: characteristic of or occurring in the breeding season (~ flight)

nuptial n (ca. 1555): MARRIAGE, WEDDING — usu. used in pl.

nup-tial-ly \nəp-shē-'ā-lē-tē, -chē- / n, pl. -tles (1899): the marriage rate

Nur-i-stani \nūr-ə-'stā-nē, nyūr- / n [Nuristan, Afghanistan] (1951) 1: a member of a group of peoples of the Hindu Kush in northeastern Afghanistan 2: the family of languages spoken by the Nuristanis that constitutes a distinct branch of Indo-Iranian

nurse \nɜrs/ n [ME *nurice*, *nurse*, fr. AF *nurice*, fr. LL *nutricia*, fr. L. fem. of *nutricius* nourishing — more at NUTRITIOUS] (13c) 1 a: a woman who suckles an infant not her own: WET NURSE b: a woman who takes care of a young child: DRY NURSE 2: one that looks after, fosters, or advises 3: a person who cares for the sick or infirm; specif.: a licensed health-care professional who practices independently or is supervised by a physician, surgeon, or dentist and who is skilled in promoting and maintaining health — compare LICENSED PRACTICAL NURSE, REGISTERED NURSE 4 a: a worker form of a social insect (as an ant or a bee) that cares for the young b: a female mammal used to suckle the young of another

nurse to nurse: **nurs-ing** [ME *nurshen* to suckle, nourish, contr. of *nurshen*] v (14c) 1 a: to nourish at the breast: SUCKLE b: to take nourishment from the breast of 2: REAR, EDUCATE 3 a: to promote the development or progress of b: to manage with care or economy (nursed the business through hard times) (nursed a 1-0 lead) c: to take charge of and watch over 4 a: to care for and wait on (as a sick person) b: to attempt to cure by care and treatment 5: to hold in one's memory or consideration (~ a grievance) 6 a: to use, handle, or operate carefully so as to conserve energy or avoid injury or pain (~ a sprained ankle) b: to use sparingly c: to consume slowly or over a long period (~ a cup of coffee) ~ vi 1 a: to feed an offspring from the breast b: to feed at the breast: SUCK 2: to act or serve as a nurse — **nurs-er** n

nurse-maid \nɜrs-'mā-d/ n (1657): a girl or woman who is regularly employed to look after children

nurse-mid-wife \nɜrs-'mīd-'wīf/ n (1952): a registered nurse with additional training as a midwife who delivers infants and provides prenatal and postpartum care, newborn care, and some routine care (as gynecological exams) of women — **nurse-mid-wife-ry** \nɜrs-'mīd-'wīf-(ə)-rē, -wīf-'mīd-'wīf- / n

nurse-prac-ti-tion-er \nɜrs-'prāk-'tī-sh(ə)-nər/ n (1969): a registered nurse who is qualified through advanced training to assume some of the duties and responsibilities formerly assumed only by a physician

nurs-ery \nɜrs-rē, 'nɜrs-sə- / n, pl. -er-les (14c) 1 obs: attentive care 2: POSTNATAL 2 a: a child's bedroom b: a place where children are temporarily cared for in their parents' absence c: DAY NURSERY 3 a: something that fosters, develops, or promotes b: a place in which persons are trained or educated 4: an area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale 5: a place where young animals grow or are cared for

nurs-ery-man \nɜrs-'mən/ n (1672): one whose occupation is the cultivation of plants (as trees and shrubs) esp. for sale

nursery rhyme n (1816): a short rhyme for children that often tells a story

nursery school n (1835): a school for children usu. under five years

nurse's aide n (1943): a worker who assists trained nurses in a hospital by performing unspecialized services (as giving baths)

nurse shark n [alter. of *nurse*] (1851): any of various sharks (as family *Ginglymostomatidae*); esp.: a shark (*Ginglymostoma cirratum*) of warm waters

nursing n (1860) 1: the profession of a nurse (schools of ~) 2: the duties of a nurse (proper ~ is difficult work)

nursing home n (1896): a privately operated establishment providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly

nurs-ling \nɜrs-līŋ/ n (1557) 1: one that is solicitously cared for 2: a nursing child

nur-tur-ance \nɜr-čhə-rən(t)s/ n (ca. 1938): affectionate care and attention — **nur-tur-ant** \nɜr-čhə-rən(t)- / adj

nur-ture \nɜr-čhər/ n [ME *nurture*, *nurture*, fr. AF *nurture*, fr. LL *nutrura* act of nursing, fr. L. *nutrirus*, pp. of *nutrire* to suckle, nourish — more at NOURISH] (14c) 1: TRAINING, UPRISING 2: something that nourishes: FOOD 3: the sum of the environmental factors influencing the behavior and traits expressed by an organism

nurture v **nur-tured**; **nur-tur-ing** \nɜr-čhər-, 'nɜr-čhə- / (15c) 1: to supply with nourishment 2: EDUCATE 3: to further the development of: FOSTER — **nur-tur-er** \nɜr-čhər- / n

nut \nɜt/ n, note, fr. OE *hnutu*; akin to OHG *nuz* nut and perh. to L. *nut* nut (bef. 12c) 1 (a): a hard-shelled dry fruit or seed with a separable rind or shell and interior kernel (2): the kernel of a nut b: a dry indehiscent one-seeded fruit with a woody pericarp 2 a: a hard problem or undertaking b: CORE, HEART 3: a perforated

block usu. of metal that has an internal screw thread and is used on a bolt or screw for tightening or holding something 4: the ridge on a stringed instrument (as a violin) over which the strings pass on the upper end of the fingerboard 5: a small lump (as of butter) 6 a: a foolish, eccentric, or crazy person b: ENTHUSIAST (a movie ~) 7 pl: NONSENSE — often used interjectionally 8 slang: a person's head 9 usu. vulgar: TESTIS 10: the amount of money that must be earned in order to break even 11: EN 1 — nut-like \-līk/ adj

nut v **nut-ted**; **nut-ting** (1604): to gather or seek nuts

nu-tate \nū-'tāt, 'nyū- / v **nu-tat-ed**; **nu-tat-ing** (1880): to exhibit or undergo nutation

nu-ta-tion \nū-'tā-shən, nyū- / n [L. *nutatio*-, *nutatio*, fr. *nutare* to nod, rock — more at NUMEN] (1612) 1 archaic: the act of nodding the head 2: oscillatory movement of the axis of a rotating body (as the earth): WOBBLE 3: a spontaneous usu. spiral movement of a growing plant part — **nu-ta-tion-al** \-shənəl, -shə-nəl/ adj

nut-brown \nɜt-'braʊn/ adj (14c): of the color of a brown nut

nut-case \-kās/ n (1959): NUT 6a

nut-crack-er \-krə-'kər/ n (ca. 1548): an implement for cracking nuts

nut-gall \-gɔl/ n (15c): a gall that resembles a nut; esp.: such a gall produced on oaks

nut grass n (1775): a perennial sedge (*Cyperus rotundus*) of wide distribution that has slender rootstocks bearing small edible tubers resembling nuts; also: a related sedge (*C. esculentus*)

nut-hatch \nɜt-'hach/ n [ME *notehache*, fr. note nut + *hache*; akin to OE *tohnacian* to hack — more at HACK] (14c): any of various small tree-climbing chiefly insectivorous birds (family Sittidae and esp. genus *Sitta*) that have a compact body, a narrow bill, a short tail, and sometimes a black cap

nut-house \nɜt-'haʊs/ n (1900) slang: a mental hospital

nut-let \nɜt-'lət/ n (1856) 1 a: a small nut b: a small fruit similar to a nut 2: the stone of a drupelet

nut-meg \nɜt-'meg, -mæg/ n [ME *notemigge*, *notemuge*, ultim. fr. Old Occitan *noz muscada*, fr. *noz* nut (fr. L. *nuc-*, *nux*) + *muscada*, fem. of *muscat* musky — more at MUSCAT] (15c) 1: an aromatic seed produced by an evergreen tree (*Myristica fragrans*) of the family Myristicaceae, the nutmeg family) native to the Moluccas; also: the ground seed used as a spice — compare MACE 2 2: a tree yielding nutmeg

nut-pick \nɜt-'pīk/ n (1862): a small sharp-pointed implement for extracting the kernels from nuts

nu-tra-ceu-ti-cal also **nu-tri-ceu-ti-cal** \nū-'trə-'sū-tī-kəl/ n [nutritive + pharmaceutical] (1990): a foodstuff (as a fortified food or dietary supplement) that provides health benefits in addition to its basic nutritional value

nu-tria \nū-'trē-ə, 'nyū- / n [AmerSp, fr. Sp, otter, modif. of L. *lutra*; prob. akin to OE *oter* otter] (1820) 1: the durable usu. light brown fur of a nutria 2: a large So. American semiaquatic rodent (*Myocastor coypus*) with webbed hind feet and a round nearly hairless tail that has been introduced into parts of Europe, Asia, and No. America

nu-tri-ent \nū-'trē-ənt, 'nyū- / adj [L. *nutrient-*, *nutriens*, pp. of *nutrire* to nourish — more at NOURISH] (1650): furnishing nourishment

nutrient n (ca. 1828): a nutritive substance or ingredient

nu-tri-ment \nū-'trē-mənt, 'nyū- / n [ME, fr. L. *nutrimentum*, fr. *nutrire*] (15c): something that nourishes or promotes growth, provides energy, repairs body tissues, and maintains life

nu-tri-tion \nū-'trī-shən, nyū- / n [ME *nutricoun*, fr. LL *nutrition-*, *nutritio*, fr. L. *nutrire*] (15c) 1: the act or process of nourishing or being nourished; specif.: the sum of the processes by which an animal or plant takes in and utilizes food substances 2: NOURISHMENT 1 — **nu-tri-tion-al** \-trī-shənəl, -trī-shə-nəl/ adj — **nu-tri-tion-al-ly** adv

nu-tri-tion-ist \-trī-sh(ə)-nəlst/ n (1926): a specialist in the study of nutrition

nu-tri-tious \nū-'trī-shəs, nyū- / adj [L. *nutricius*, fr. *nutric-*, *nutrix* nurse, fr. *nutrire* to nourish — more at NOURISH] (1665): NOURISHING — **nu-tri-tious-ly** adv — **nu-tri-tious-ness** n

nu-tri-tive \nū-'trī-tiv, 'nyū- / adj (14c) 1: of or relating to nutrition 2: NOURISHING — **nu-tri-tive-ly** adv

nutritive ratio n (1897): the ratio of digestible protein to other nutrients in a foodstuff or ration

nute \nɜts/ adj (1785) 1: ENTHUSIASTIC, KEEN (~ for animals and children — Rick Reilly) 2: INSANE, CRAZY (said that it was a novel and all the people who said otherwise were ~ — Flannery O'Connor)

nuts and bolts n (1967) 1: the working parts or elements 2: the practical workings of a machine or enterprise as opposed to theoretical considerations or speculative possibilities — **nuts-and-bolts** adj

nut-sedge \nɜt-'sedj/ n (ca. 1909): NUT GRASS

nut-shell \nɜt-'shel/ n (13c) 1: the hard external covering in which the kernel of a nut is enclosed 2: something of small size, amount, or scope — **In a nutshell**: in a very brief statement

nut-ter \nɜ-'tər/ n (1958) slang Brit: NUT 6a

nut-ty \nɜ-'tē/ adj **nut-ti-er**; -est (15c) 1: having or producing nuts 2: having a flavor like that of nuts 3: ECCENTRIC, SILLY; also: mentally unbalanced — **nut-ti-ly** \-tē-lē/ adv — **nut-ti-ness** n

Nuu-Chah-Nulth also **Nuu Chah Nulth** \nū-'chā-nūl/ n, pl. **Nuu-Chah-Nulth** also **Nuu Chah Nulth** [Nootka *nūča-nul*, lit., all along the mountains] (1979): NOOTKA

nux vom-i-ca \nɜks-'vā-mī-kə/ n, pl. **nux vomica** [NL, lit., emetic nut] (14c) 1: the poisonous disk-shaped seed of a tree (*Strychnos nuxvomica*) of the family Loganiaceae of southern Asia that contains several alkaloids and esp. strychnine and brucine; also: the tree yielding nux vomica 2: a drug containing nux vomica



nuthatch

\ə/ about \k/ kitten, P table \ər/ further \ə/ ash \ā/ ace \ā/ mop, mar
 \aʊ/ out \ch/ chin \el/ bet \e/ easy \g/ go \h/ hit \l/ lace \j/ job
 \j/ sing \d/ go \d/ law \d/ boy \th/ thin \th/ the \l/ loot \l/ foot
 \y/ yet \zh/ vision, beige \k/, ɔ, ɛ, ɪ, ʊ/ see Guide to Pronunciation

ve-da-lia \vī-dā-lī-ə/ *n* [NL, genus name] (1889): an Australian ladybug (*Radolia cardinalis*) introduced to many countries to control scale insects — called also **vedalla beetle**

Ve-dan-ta \vā-dān-tā, vā-, -dān-/ *n* [Skt *Vedānta*, lit. end of the Veda, fr. *Veda* + *anta* end; akin to OE *ende* end] (1788): an orthodox system of Hindu philosophy developing esp. in a qualified monism the speculations of the Upanishads on ultimate reality and the liberation of the soul — **Ve-dan-tism** \-dān-tī-zm, -dān-/ *n* — **Ve-dan-tist** \-dān-tist-/ *n*

Ve-dan-tic \vā-dān-tik, -dān-/ *adj* (1882): 1: of or relating to the Vedānta philosophy 2: **VEDIC**

Ved-da or **Ved-dah** \vā-dā-, vā-/ *n* [Sinhalese *vedda* hunter] (1681): a member of an aboriginal people of Sri Lanka

Ved-doid \vā-dōid/ *n* (1928): a member of a race of southern Asia traditionally classified by such physical features as wavy to curly hair, chocolate-brown skin color, and slender body build — **Veddoid** *adj*

ve-dette or **vi-dette** \vī-det/ *n* [F, fr. *vi vedetta*, alter. of *veletta*, prob. fr. *Sp vela* watch, fr. *velar* to keep watch, fr. *L vigilare* to wake, watch, fr. *vigil* awake — more at **VIGIL**] (ca. 1611): a mounted sentinel stationed in advance of pickets

Ve-dic \vā-dik/ *adj* (1848): of or relating to the Vedas, the language in which they are written, or Hindu history and culture between 500 B.C. and 500 B.C.

vee \vē-/ *n* (ca. 1883): 1: something shaped like the letter V 2: the letter v

vee-jay \vē-, jē-/ *n* [video jockey] (ca. 1981): an announcer of a program (as on television) that features music videos

veena *war of VINA*

veep \vēp/ *n* [fr. *v. p.* (abbr. for *vice president*)] (1949): **VICE PRESIDENT**

veer \vir-/ *v* [ME *veren*, of LG or D origin; akin to MD *veren* to slacken, MLG *verēn*] (15c): to let out (as a rope)

veer *vb* [ME *veren*, fr. MF *vire*, fr. OF, to throw with a twisting motion, fr. VL *vibrare*, alter. of *L vibrare* to wave, propel suddenly — more at **VIBRATE**] *v* (15c): 1: to change direction or course (the economy ~ed sharply downward) 2: of the wind: to shift in a clockwise direction — compare **BACK** 3: to wear ship ~ *v*: to direct to a different course; *specif*: **WEAR** 7 *syn* see **SWERVE** — **veering-ly** \-lē-/ *adv*

veer *n* (ca. 1611): a change in course or direction (a ~ to the right)

vee-ry \vir-ē-/ *n*, pl **veeries** [prob. imit.] (1838): an American thrush (*Catharus fuscescens*) common in the eastern U.S.

veg \vē-/ *n*, pl **veg** (1918) *chiefly Brit*: **VEGETABLE**

Ve-ga \vē-gā, vā-/ *n* [NL, fr. Ar (*al-Nassr*) *al-Wāḡi*, lit. the falling (vulture)] (ca. 1638): the brightest star in the constellation Lyra

veg-an \vē-gān/ *also* \vā- *also* \vē-jān or -jan/ *n* [by contr. fr. *vegetarian*] (1944): a strict vegetarian who consumes no animal food or dairy products; *also*: one who abstains from using animal products (as leather) — **vegan** *adj* — **veg-an-ism** \vē-gā-nī-zm, vā-gā-, vē-jā-/ *n*

veg-e-ta-ble \vē-jā-bəl, vē-jā-/ *adj* [ME, fr. ML *vegetabilis* vegetative, fr. *vegetare* to grow, fr. L, to animate, fr. *vegetus* lively, fr. *vegere* to enliven — more at **WAKE**] (15c): 1: of, relating to, constituting, or growing like plants 2: consisting of plants: **VEGETATIONAL** 2: made from, obtained from, or containing plants or plant products (~ soup) (~ fat) 3: resembling or suggesting a plant (as in inertness or passivity)

vegetable *n* (15c): 1: **PLANT** 1b 2: a usu. herbaceous plant (as the cabbage, bean, or potato) grown for an edible part that is usu. eaten as part of a meal; *also*: such an edible part 3: a person whose mental and physical functioning is severely impaired and esp. one who requires supportive measures (as mechanical ventilation) to survive

vegetable ivory *n* (1842): the hard white opaque endosperm of the ivory nut that takes a high polish and is used as a substitute for ivory

vegetable marrow *n* (ca. 1816) *chiefly Brit*: any of various smooth-skinned elongated summer squashes with creamy-white, to deep green skins

vegetable oil *n* (1765): an oil of plant origin; *esp*: a fatty oil from seeds or fruits

vegetable oyster *n* (ca. 1818): **SALISIFY**

vegetable pear *n* (1887): **CHAYOTE**

vegetable wax *n* (1815): a wax of plant origin secreted commonly in thin flakes by the walls of epidermal cells

veg-e-ta-bly \vē-jā-blē, vē-jā-/ *adv* or *adj* (1651): in the manner of or like a vegetable

veg-e-tal \vē-jā-tē-/ *adj* [ML *vegetare* to grow] (15c): 1: **VEGETABLE** 2: **VEGETATIVE** 3: of or relating to the vegetal pole of an egg or to that part of an egg from which the endoderm normally develops (~ blastomeres)

vegetal pole *n* (1896): the point on the surface of an egg that is diametrically opposite to the animal pole and usu. marks the center of the protoplasm containing more yolk — see **BLASTULA** illustration

veg-e-tar-i-an \vē-jā-tēr-ē-ən/ *n* [*vegetable* + *-arian*] (1839): 1: one who believes in or practices vegetarianism 2: **HERBIVORE**

vegetarian *adj* (1849): 1: of or relating to vegetarians 2: consisting wholly of vegetables, fruits, grains, nuts, and sometimes eggs or dairy products (a ~ diet)

veg-e-tar-i-an-ism \vē-jā-tēr-ē-əm/ *n* (ca. 1851): the theory or practice of living on a vegetarian diet

veg-e-tate \vē-jā-tāt, vā-/ *vb* -tāt-ed; -tāt-ing [ML *vegetatus*, pp. of *vegetare* to grow] *v* (1605): 1: to grow in the manner of a plant; *also*: to grow exuberantly or with proliferation of fleshy or warty outgrowths 2: to produce vegetation 3: to lead a passive existence without exertion of body or mind ~ *v*: to establish vegetation in or on

veg-e-ta-tion \vē-jā-tā-shən/ *n* (1564): 1: the act or process of vegetating 2: inert existence 3: plant life or total plant cover (as of an area) 4: an abnormal growth upon a body part (fibrin ~s on the mitral valve) — **veg-e-ta-tion-al** \-shənəl, -shā-nē-/ *adj*

veg-e-ta-tive \vē-jā-tā-tiv/ *adj* (14c): 1: (1) growing or living the power of growing (2): of, relating to, or engaged in nutritive and growth functions as contrasted with reproductive functions (a ~ nucleus) 2: promoting plant growth (the ~ properties of soil) 3: of, relating to, or involving propagation by nonsexual processes or methods 2: relating to, composed of, or suggesting vegetation. 3: of or

relating to the division of nature comprising the plant kingdom 4: **AUTONOMIC** 1 b: characterized by, resulting from, or being a state of severe mental impairment in which only involuntary bodily functions are sustained 5: **VEGETABLE** 3 — **veg-e-ta-tive-ly** *adv* — **veg-e-ta-tive-ness** *n*

ve-gete \və-jēt/ *adj* [L *vegetus* — more at **VEGETABLE**] (1639) *archaic*: **LIVELY, HEALTHY**

veg-gle *also* **veg-le** \vē-jē/ *n* [by shortening & alter.] (1955): 1: **VEGETABLE** 2: *slang*: **VEGETARIAN**

veggie burger *n* (1972): a patty chiefly of vegetable-derived protein used as a meat substitute; *also*: a sandwich containing such a patty

veg out \vēj-/ *v* **vegged out**; **veg-ging out** [short for *vegetate*] (1980): to spend time idly or passively

ve-he-men-ce \vē-ə-mən(t)s/ *n* (15c): the quality or state of being vehement: **INTENSITY**

ve-he-ment \vē-ə-mənt/ *adj* [ME, fr. MF, fr. L *vehement-, vehemens-, vement-, vemens*] (15c): marked by forceful energy: **POWERFUL** (a ~ wind); *as*: a: intensely emotional: **IMPASSIONED, FERVID** (~ patriotism) b (1): deeply felt (a ~ suspicion) (2): forcibly expressed (~ denunciations) c: bitterly antagonistic (a ~ debate) — **ve-he-ment-ly** *adv*

ve-hi-cle \vē-ə-kəl/ *also* \vē-hi-kəl/ *n* [F *véhicule*, fr. L *vehiculum* carriage, conveyance, fr. *vehere* to carry — more at **WAY**] (1612): 1: a: an inert medium (as a syrup) in which a medicinally active agent is administered b: any of various media acting usu. as solvents, carriers, or binders for active ingredients or pigments 2: an agent of transmission: **CARRIER** 3: a medium through which something is expressed, achieved, or displayed (an investment ~); *esp*: a work created esp. to display the talents of a particular performer 4: a means of carrying or transporting something (planes, trains, and other ~s); *as*: a: **MOTOR VEHICLE** b: a piece of mechanized equipment

ve-hic-u-lar \vē-hi-kyə-lər/ *adj* (1616): 1: of, relating to, or designed for vehicles and esp. motor vehicles 2: transported by vehicle c: caused by or resulting from the operation of a vehicle (~ homicide) 2: serving as a vehicle

V-8 \vē-8/ *n* (1930): an internal combustion engine having two banks of four cylinders each with the banks at an angle to each other; *also*: an automobile having such an engine

veil \vā-/ *n* [ME, fr. AF *veil*, *vaille*, fr. L *vela*, pl. of *velum* sail, awning, curtain] (13c): 1: a: a length of cloth worn by women as a covering for the head and shoulders and often esp. in Eastern countries for the face; *specif*: the outer covering of a nun's headdress b: a length of veiling or netting worn over the head or face or attached for protection or ornament to a hat or headdress (a bridal ~) c: any of various liturgical cloths; *esp*: a cloth used to cover the chalice 2: the life of a nun — often used in the phrase *take the veil* 3: a concealing curtain or cover of cloth 4: something that resembles a veil (a ~ of stars); *esp*: something that hides or obscures like a veil (lift the ~ of secrecy) 5: a covering body part or membrane; *as*: a: **VELUM** b: **CAUL**

veil w (14c): to cover, provide, obscure, or conceal with or as if with a veil ~ *v*: to put on or wear a veil

veiled \vāid/ *adj* (14c): 1: a: having or wearing a veil or a concealing cover (a ~ hat) b: characterized by a softening tonal distortion 2: obscured as if by a veil: **DISGUISED** (~ threats)

veil-ing \vā-līŋ/ *n* (13c): 1: any of various light sheer fabrics 2: **VEIL**

vein \vān/ *n* [ME *veine*, fr. AF, fr. L *vena*] (14c): 1: a narrow water channel in rock or earth or in ice b (1): **LODGE** 2: (2): a bed of useful mineral matter c: **LODGE** 3: **BLOOD VESSEL**; *esp*: any of the tubular branching vessels that carry blood from the capillaries toward the heart 3: a: any of the vascular bundles forming the framework of a leaf b: any of the thickened cuticular ribs that serve to stiffen the wings of an insect 4: something suggesting veins (as in reticulation); *specif*: a wavy variegation (as in marble) 5: a: a distinctive mode of expression: **STYLE** (stories in a romantic ~) b: a distinctive element or quality: **STRAIN** (introduced a welcome ~ of humor) c: a line of thought or action (renewed discussion along the same ~) 6: a: a special aptitude (inherited an artistic ~) b: a usu. transitory and casually attained mood c: top form (thou troublest me; I am not in the ~ — Shak.) — **vein-al** \vā-nē-/ *adj*

vein w (1502): to pattern with or as if with veins

veined \vānd/ *adj* (ca. 1529): patterned with or as if with veins: having venation: **STREAKED** (a ~ leaf) (~ marble) (~ cheese)

vein-er \vā-nēr/ *n* (1895): a small V gouge used in wood carving

vein-ing \vā-nīŋ/ *n* (1826): a pattern of veins: **VENATION**

vein-let \vān-lēt/ *n* (1831): a small vein

veiny \vā-nē-/ *adj* (1611): full of veins: noticeably veined (~ hands)

vel *abbr* velocity

ve-la-men \və-lā-mən/ *n*, pl **ve-lam-i-na** \-lā-mə-nə/ [NL, fr. L, covering, fr. *velare* to cover, fr. *velum* curtain] (1882): the thick corky epidermis of aerial roots of an epiphytic orchid that absorbs water from the atmosphere

ve-lar \vē-lər/ *adj* [NL *velaris*, fr. *velum*] (1876): 1: formed with the back of the tongue touching or near the soft palate (the ~ *vk* of /k/) 2: of, forming, or relating to a velum and esp. the soft palate — **velar** *n*

ve-lar-i-um \vē-lēr-ē-əm/ *n*, pl **-la** \-ē-ə/ [L, fr. *velum* curtain] (1834): an awning over an ancient Roman theater or amphitheater

ve-lar-i-za-tion \vē-lā-rā-zā-shən/ *n* (1915): 1: the quality or state of being velarized 2: an act or instance of velarizing

ve-lar-ize \vē-lā-rīz/ *v* -lēz-ed; -lēz-ing (1915): to modify (as the *vk* of /p/) by a simultaneous velar articulation

Vel-cro \vēl-(ē)krō/ *trademark* — used for a closure consisting of a piece of fabric of small hooks that sticks to a corresponding fabric of small loops

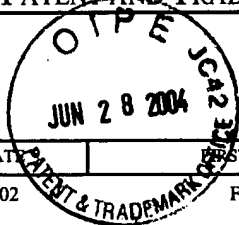
veld or **veldt** \vēlt, vēlt/ *n* [Afrik *veld*, fr. D, field; akin to OE *feld* field] (1835): a grassland esp. of southern Africa usu. with scattered shrubs or trees

vel-liger \vē-lā-jər, vē-/ *n* [NL, fr. *velum* + *-ger* bearing, fr. *gerere* to bear] (1877): a larval mollusk in the stage when it has developed the velum

vel-le-lity \vē-lē-ə-tē, vā-/ *n*, pl **-ties** [NL *velletas*, fr. L *velle* to wish, will — more at **WILL**] (1618): 1: the lowest degree of volition 2: a slight wish or tendency: **INCLINATION**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,833	02/26/2002	Frederick L. Jordan	ORYXE.028A	4096
26271	7590	05/19/2004	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 1301 MCKINNEY SUITE 5100 HOUSTON, TX 77010-3095			TOOMER, CEPHIA D	
			ART UNIT	PAPER NUMBER
			1714	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Received

MAY 21 2004

Docket: PG2950050

Client: Oryxe

Attorney: JES



Office Action Summary

Application No.

10/084,833

Applicant(s)

JORDAN, FREDERICK L.

Examiner

Cephia D. Toomer

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27, 29-31, 43, 44, 47, 48 and 50 is/are allowed.
- 6) ☒ Claim(s) 28, 32-34, 37-40, 45, 46, 49, 51, 52, 55, 56, 59, 61, 62, 65-68, 70, 72, 73, 76 and 78 is/are rejected.
- 7) ☒ Claim(s) 35, 36, 41, 42, 53, 54, 57, 58, 60, 63, 64, 69, 71, 74, 75 and 77 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to the amendment filed February 26, 2004 in which claims 1-24 were canceled and claims 25-78 were added. The Double Patenting rejection is withdrawn in view of the Terminal Disclaimer.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 32, 38, 49, 59, 66, 76 and their dependents are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original filed specification and claims, claim 10 for instance, do not support benzene, o-xylene, m-xylene, p-xylene, cyclohexane, hexane, octanes, nonane, 2-cycle oil, gasoline and resid fuel as a diluent for the additive composition. The specification teaches that these compounds are used as solvents.

3. Claims 28, 33, 45, 46, 51, 52, 55, 56, 61, 62, 70, 72, 73, 78 and their dependents are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 28, 45, 55 and 72 are rejected because it is not clear how the vegetable oil and nut oil thermal stabilizers differ from the plant oil extract derived from grain.

Vegetables and nuts are also grains.

Claims 46 and 51 are substantial duplicates.

In claims 52, 62 and 70, "addition" should read – additive --.

Claims 56 and 61 are substantial duplicates.

Claims 73 and 78 are substantial duplicates.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 34, 37-40, 62 and 65-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan (US 5,826,369).

Jordan teaches a carbonaceous fuel composition comprising a fuel additive of beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract), ethoxylated castor oil (thermal stabilizer) and cetane improvers (see abstract; col. 2, lines 11-22). The carbonaceous fuel may be any fuel including gasoline, diesel fuel, heavy fuel oil (resid), etc. (see col. 2, lines 23-43). The fuel additive may be diluted with a solvent such as gasoline, toluene, diesel fuel and alcohols (see col. 2, line 60 through col. 3, lines 1-6).

Art Unit: 1714

Jordan teaches that the ethoxylated castor oil provides enhanced combustion characteristics and reductions in pollutant emissions.

Accordingly, Jordan teaching all the limitations of the claims anticipates the claims.

6. Claims 25-27, 29-31, 43-44, 47, 48 and 50 are allowed. The prior art fails to teach or suggest the additive combination of a plant oil extract derived from grain, a carotenoid and a thermal stabilizer.

7. Claims 35,, 36, 41-42, 53, 54, 57-58, 60, 63-64, 69, 71, 74, 75 and 77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest that the plant oil extract is derived from a member of the Leguminosae family or grain.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

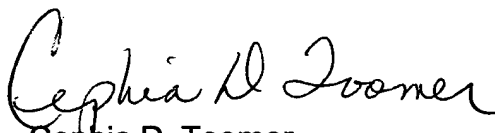
Art Unit: 1714

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cephia D. Toomer
Primary Examiner
Art Unit 1714

10084833\051504

JUN 28 2004

SHEET 1 OF 1

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.
ORYXENG.028A

APPLICATION NO.
10/084,833

INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

APPLICANT
Jordan, F.

FILING DATE
02/28/02

GROUP
1714

(USE SEVERAL SHEETS IF NECESSARY)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
CDT	1	2,582,192	01/08/52	Denison			
CDT	2	4,208,190	06/17/80	Malec			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
CDT	3	EP 0457589 A1	11/21/91	Europe				

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EXAMINER

DATE CONSIDERED

*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.